IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

-

WRIT PETITION NO : 15336 of 2005

Between:

1 Sri Murthyanjaya Mandal Vyavasaya Samrakshana Sangham

A Society registered Under the Societies Registration Act
(Regd.No. 451/2004), Palanaidupeta Village,

Santabommali Mandal, Srikakulam district.,

rep by its President,Kota Nageswara rao,

S/o.late Rama Murthy Naidu, and 2 others.

..... PETITIONERS

AND

1 The Government of A.P.

rep. by its Secretary, Revenue Department,

Secretariat, Hyderabad, and 6 others.

.....RESPONDENTS

ORDER: **(Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)**

This writ petition is filed seeking appropriate writ from this Court to ensure that no barricades or obstructions are created in the free flow of water of the river by respondent No.7.

The facts leading to filing of this writ petition are few and are undisputed.

That the first petitioner is a Society registered under the provisions of the Societies Registration Act, 2001, and the Society is formed by farmers of about 35 villages to safeguard the interest of the farmers in the villages. Second petitioner is Water Users Association formed under the 1997 Act, and third petitioner is the Sarpanch, Kakarapalli village. The case of the petitioners is that respondent No.7-Fishermen Co-operative Society is carrying out illegal and unauthorized activities while carrying out the fishing operations in Pitari Kattu, Lingudu Kattu and Kakarapalli swamp. It is their further case that while catching the fish, barricades are created by erecting bamboos and sand bags which create an impediment in the free flow of river water, and as a result, the areas around the river are inundated.

This has not been denied in the counter-affidavits by any of the respondents including respondent No.7. But respondent No.7 submits that erecting of bamboos and laying nets for the purpose of catching fish is not the only reason for inundation of areas around the river.

The learned Counsel for the petitioners has placed on record a letter dated 01-08-2005 from Revenue Divisional Officer, Tekkali, to the Collector, Srikakulam, in which the Revenue Divisional Officer has specified five reasons for inundation of the areas. In this letter the erection of bamboo mats/nets by respondent No.7 is one of the reasons.

The learned Counsel for respondent No.7, however, submits that if the petitioners do not take any steps to remove the other four hurdles, it will not be proper for them to ask the fishermen not to catch the fish after erecting the bamboo mats/nets.

We do not think that this argument can be accepted as, admittedly, respondent No.7 is creating a situation, in which the areas around the river are being inundated.

It is further stated by other respondents that while giving lease to respondent No.7-Society, a condition was laid down that they will not do anything, which would create any hurdle for free flow of river water.

In this view of the matter, we allow this writ petition and direct the respondents 1 to 6 not to allow respondent No.7 to create any impediment in the free flow of river water while catching the fish. No costs.

(Bilal Nazki, A.C.J)

18th October, 2005

(R.Subhash Reddy, J)

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